

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HDT BIO CORP.,

Plaintiff,

v.

EMCURE PHARMACEUTICALS,  
LTD.,

Defendant.

CASE NO. C22-0334JLR

ORDER

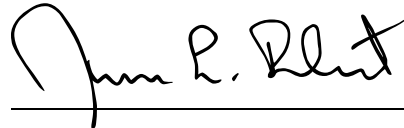
The court is in receipt of the following four discovery-related questions submitted by the parties: (1) whether discovery at this stage is limited to jurisdictional discovery in light of the court's ruling on Defendant Emcure Pharmaceuticals, Ltd.'s ("Emcure") motion to dismiss (*see* 7/29/22 Order (Dkt. # 51)); (2) whether Emcure may refuse to search for and produce responsive documents until Plaintiff HDT Bio Corp. ("HDT") further delineates its trade secrets; (3) whether Emcure must search for and produce documents in the possession of its subsidiary, Gennova Biopharmaceuticals Ltd.

1 (“Gennova”); and (4) whether the parties may use the documents produced in discovery  
2 in this case in the arbitration between HDT and Gennova in the London Court of  
3 International Arbitration (“LCIA”). The court answers each question below.

4 As to the parties’ first question, discovery at this stage is limited to jurisdictional  
5 discovery. The parties may resume case-related discovery after jurisdictional discovery  
6 is complete and the court has ruled on Emcure’s renewed motion to dismiss. In line with  
7 that answer, and because discovery at this stage is limited to jurisdictional discovery,  
8 rather than case-related discovery, Emcure may not refuse to search for and produce  
9 responsive documents until HDT further delineates its trade secrets.

10 Turning to the parties’ third question, Emcure must search for and produce  
11 documents in the possession of its subsidiary, Gennova. Emcure owns 87.95% of  
12 Gennova (*see* 5/31/22 Berkowitz Decl. (Dkt. # 30) ¶ 6) and the conduct of Gennova is  
13 relevant, at least in part, to this case (*see generally* Compl.; 7/29/22 Order). *See Soto v.*  
14 *City of Concord*, 162 F.R.D. 603, 619 (N.D. Cal. 1995) (“A party may be ordered to  
15 produce a document in the possession of a non-party entity if that party has a legal right  
16 to obtain the document or has control over the entity who is in possession of the  
17 document.”). If Emcure believes that it lacks the legal right to obtain documents from  
18 Gennova in response to a discovery request served by HDT, it may raise that specific  
19 issue with the court. *See* Fed. R. Civ. P. 26(c). Finally, with respect to the parties’ fourth  
20 question, the court cannot tell the LCIA which documents are or are not admissible in  
21 that proceeding; whether documents produced in this matter are admissible in the  
22 arbitration between HDT and Gennova is up to the LCIA.

1 Dated this 13th day of August, 2022.

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4 JAMES L. ROBART  
5 United States District Judge  
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